

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
THERMO FINNIGAN LLC,)	
)	
Plaintiff and)	
Counter-Defendant,)	
)	
v.)	Civil Action No. 04-1505-GMS
)	
APPLERA CORPORATION,)	
)	
Defendant and)	
Counter-Plaintiff.)	
_____)	

STIPULATION AMENDING THE SCHEDULING ORDER

The parties hereby stipulate, subject to the approval of the Court, that the May 9, 2005 Scheduling Order (D.I. 21), and the Order approving the January 19, 2006 Stipulation (D.I. 55) resetting the deadline for exchanging answering claim construction briefs to February 10, 2006, shall be modified as follows:

The parties shall exchange answering claim construction briefs on
February 15, 2006.

This extension is necessary in light of other professional and personal commitments of the attorneys for Defendant Applera Corporation responsible for preparing its brief, which have and will prevent counsel from devoting adequate time to participate in the reviewing, revising and finalizing of the answering claim construction brief within the current schedule.

The requested modifications do not impact the Markman hearing scheduled for March 16, 2006.

The remaining provisions of the May 9, 2005 Scheduling Order (D.I. 21) shall remain in full force and effect.

DATED: February 8, 2006

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And Thermo Finnigan LLC*

SO ORDERED this ____ day of _____, 2006.

U.S.D.J.